

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

ZUMA PRESS, INC., ACTION SPORTS
PHOTOGRAPHY, INC., TIYU (BEIJING)
CULTURE MEDIA CO. LTD., MANNY
FLORES, ANDREW DIEB, CHRISTOPHER
SZAGOLA, LOUIS LOPEZ, CHARLES BAUS,
DUNCAN WILLIAMS, ROBERT BACKMAN,
JOHN MIDDLEBROOK, and ANTHONY
BARHAM,

Plaintiffs,

v.

GETTY IMAGES (US), INC.

Defendant.

Case No.: 1:16-cv-06110 (AKH)

**DECLARATION OF
BENJAMIN E. MARKS IN
SUPPORT OF GETTY IMAGES
(US), INC.'S MOTION FOR
LEAVE TO FILE EXHIBIT
UNDER SEAL**

I, Benjamin E. Marks, declare as follows pursuant to 28 U.S.C. § 1746:

1. I am a member of Weil, Gotshal & Manges LLP and am duly admitted to practice in the State of New York. I represent defendant Getty Images (US), Inc. (“Getty Images”) in this action.

2. I submit this declaration in support of Getty Images’ Motion for Leave to File Exhibit Under Seal in connection with Getty Images’ Opposition to Plaintiffs’ Motion for Leave to Amend the Second Amended Complaint.

3. Exhibit Q to the Declaration of Jonathan Bloom in support Getty Images’ opposition brief is a copy of an agreement between Getty Images and non-party Les Walker, effective April 1, 2016, and Bates-numbered GETT00051389-93. A redacted copy of Exhibit Q is being filed with Getty Images’ opposition papers via ECF. An unredacted copy of Exhibit Q is attached to the copy of this declaration being provided to Chambers.

4. The only redaction sought is to the section headed “Commercial Terms” on the first page of Exhibit Q. Upon information and belief, Getty Images treats the commercial terms of individual contributor agreements as confidential and considers those terms to be a matter of competitive sensitivity.

5. I hereby declare under the penalty of perjury that the foregoing statements made by me are true and correct to the best of my knowledge, information, and belief.

Dated: New York, New York
February 20, 2018

Respectfully submitted,

By: /s/ Benjamin E. Marks
Benjamin E. Marks